

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Ahold USA, Inc., et al. v. Actavis Holdco U.S., Inc., et al.

The Kroger Co., et al. v. Actavis Holdco U.S., Inc., et al.

Humana Inc. v. Actavis Elizabeth, LLC, et al.

MDL NO. 2724
16-MD-2724
HON. CYNTHIA M. RUGE

Civil Action Nos.

18-CV-02641

18-CV-00284

18-CV-3299

**[PROPOSED] ORDER GRANTING DEFENDANT IMPAX LABORATORIES,
INC.'S MOTION TO DISMISS DIRECT PURCHASER PLAINTIFFS', KROGER
PLAINTIFFS', AND HUMANA'S AMENDED COMPLAINTS**

AND NOW, this ____ day of _____ 2019, upon consideration of Defendant Impax Laboratories, Inc.'s ("Impax") Motion to Dismiss Direct Purchaser Plaintiffs', Kroger Plaintiffs', and Humana's Amended Complaints it is hereby **ORDERED** that Impax's Motion to Dismiss is **GRANTED**, and the following claims for relief, causes of action, and counts set forth in the following Plaintiffs' complaints are hereby **DISMISSED** with prejudice insofar as the various claims for relief, causes of action, or counts are brought against Impax for its alleged participation in an overarching conspiracy to fix, raise, and/or stabilize prices or allocate markets for generic pharmaceuticals, and insofar as the various claims for relief, causes of action, or counts seek to impose joint and several liability upon Impax for its alleged participation in an overarching conspiracy:

1. Direct Purchasers' First Amended Class Action Complaint, *Ahold USA, Inc., et al. v. Actavis Holdco U.S., Inc., et al.*, No. 18-cv-2641 (ECF No. 11) (E.D. Pa. Dec. 21, 2018), in its entirety;
2. Amended Complaint and Demand for Jury Trial, *The Kroger Co., et al. v. Actavis Holdco U.S., Inc., et al.*, No. 18-cv-284 (ECF No. 37), with respect to Counts 1 and 23; and
3. Amended Complaint, *Humana Inc. v. Actavis Elizabeth, LLC, et al.*, No. 18-cv-3299 (ECF No. 29), with respect to Counts CVI-CX.

BY THE COURT:

CYNTHIA M. Rufe
United States District Judge